

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SERGEY A. NETELEV,

Defendant.

4:21CR3035

ORDER

Defendant has moved to continue the trial, (Filing No. 49), because Defendant needs additional time to investigate this case and prepare for trial. The motion to continue is unopposed. But the case has been pending for 18 months, and the court is not willing to set a status hearing in 60 days to then set a trial. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (Filing No. 49), is granted in part and denied in part.
- 2) The trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in Courtroom 1, 100 Centennial Mall North, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on November 14, 2022, or as soon thereafter as the case may be called, for a duration of three (3) trial days. Jury selection will be held at commencement of trial.

No further continuances will be granted absent a substantial showing of good cause.

- 3) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and November 14, 2022, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel

have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 19th day of September, 2022.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge